



# Security Council

Sixty-third year

Provisional

## 6025<sup>th</sup> meeting

Wednesday, 26 November 2008, 3 p.m.  
New York

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|-------------------|-----------------------------------------------------------|---------------------|
| <i>President:</i> | Mr. Urbina .....                                          | (Costa Rica)        |
| <i>Members:</i>   | Belgium .....                                             | Mr. Grauls          |
|                   | Burkina Faso .....                                        | Mr. Kafando         |
|                   | China .....                                               | Mr. Li Kexin        |
|                   | Croatia .....                                             | Mr. Jurica          |
|                   | France .....                                              | Mr. Ripert          |
|                   | Indonesia .....                                           | Mr. Kleib           |
|                   | Italy .....                                               | Mr. Mantovani       |
|                   | Libyan Arab Jamahiriya .....                              | Mr. Dabbashi        |
|                   | Panama .....                                              | Mr. De Vengoechea   |
|                   | Russian Federation .....                                  | Mr. Shcherbak       |
|                   | South Africa .....                                        | Mr. Sangqu          |
|                   | United Kingdom of Great Britain and Northern Ireland .... | Ms. Pierce          |
|                   | United States of America .....                            | Ms. DiCarlo         |
|                   | Viet Nam .....                                            | Mr. Hoang Chi Trung |

### Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2008/692)

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*The meeting was called to order at 3.15 p.m.*

# **Adoption of the agenda**

*The agenda was adopted.*

**Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)**

## **Report of the Secretary-General on the United Nations Interim Administration in Kosovo (S/2008/692)**

**The President** (*spoke in Spanish*): I should like to inform the Council that I have received letters from the representatives of Albania, Germany and Serbia, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the Council, I extend a warm welcome to His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia.

*At the invitation of the President, Mr. Jeremić (Serbia) took a seat at the Council table; Mr. Neritani (Albania) and Mr. Ney (Germany) took the seats reserved for them at the side of the Council Chamber.*

**The President** (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of the provisional rules of procedure to Mr. Lamberto Zannier, Special Envoy of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK).

It is so decided.

I invite Mr. Zannier to take a seat at the Council table.

In accordance with the understanding reached in the course of the Council's prior consultations, I shall take it that the Security Council agrees to extend an

invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Skender Hyseni.

It is so decided.

I invite Mr. Hyseni to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2008/692, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

At this meeting, the Security Council will hear a briefing by Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo and head of the United Nations Interim Administration Mission in Kosovo, on whom I now call.

**Mr. Zannier:** The report that the Council has before it today (S/2008/692) describes in detail the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) for the period 26 June to 31 October 2008.

The overall security situation has remained calm and stable throughout that time. However, the political situation and the institutional landscape remain complex. I first addressed the Council just over a month after my arrival in Kosovo (see S/PV.5944). Since then, I have had the opportunity to gain a more nuanced reading of the situation on the ground.

Kosovo is undergoing a period of transition and adaptation to the new circumstances created by its declaration of independence on 17 February and the subsequent entry into force of its constitution. In fact, that transition is proving to be more complex than many observers expected. Against the expectation that Kosovo would be recognized quickly by a large number of United Nations Member States, in fact, the pace of recognition slackened over the summer and it has now reached the number of 52.

The slower than predicted process of recognition is hampering Kosovo's ability to forge ties with external actors, obtain membership of international organizations and reinforce the institutions of self-government. Nevertheless, Kosovo expects to become

a member of the International Monetary Fund and the World Bank next year.

Assisted by many of the United Nations Member States that have recognized Kosovo, the Government, the presidency and the Assembly have continued to consolidate their control and authority over Kosovo's institutions. In any case, it has been encouraging that the overall atmosphere in Kosovo was generally calm throughout the summer, that there have been no major security incidents and that a series of minor problems have been managed and contained by low-level intervention.

As far as UNMIK is concerned, it is now entering a new phase of its nine-year existence. In his report of 12 June (S/2008/354), the Secretary-General indicated to the Council his intention to reconfigure the international civil presence in Kosovo, since basic consent to direct administration by UNMIK has, in practice, disappeared.

UNMIK has since undertaken a thorough review of its size and functions, in order to be able to operate in the most appropriate way in this environment of change. We need to concentrate on the fields where we can still make a difference for good, rather than attempt to continue functions that are neither relevant nor needed.

UNMIK's role is becoming much more political. For example, it is providing an interface for the process of dialogue between Belgrade and Pristina. Since it has not yet been possible to establish conditions for the two sides to talk to each other, UNMIK has a role as an interlocutor for both, although each side interprets that role in a different way.

I have visited Belgrade several times during the reporting period and seen some progress towards resolving some very controversial issues. I consider particularly important the recent reopening of the courthouse in northern Mitrovica, which had not functioned since the public disturbances there in March. That step, in its initial phase, with the court being operated by UNMIK under resolution 1244 (1999), appears to be acceptable to both Belgrade and Pristina.

Complex negotiations are continuing on seeking agreement on the next phases, with the objective of fully normalizing the operation of the court. However, those negotiations are proving very difficult, especially

on issues such as the future jurisdiction of the court once there has been a transition.

I urge all parties to continue acting responsibly and constructively and to accept the current transitional arrangements until those issues are resolved. If we can build up trust and cooperation through the construction engagement of all sides, there is hope for progress in other areas. Maintaining the momentum requires the good faith and the necessary political will of all concerned.

I would now like to say something about how UNMIK is adapting in order to maintain its relevance and usefulness in Kosovo in implementing resolution 1244 (1999). We have planned the process in three phases. The first phase is almost complete. It is intended to enhance the political and diplomatic elements of the Mission, joining the residual elements of the civil administration with political affairs and with more modest adjustments to the public information office and other departments. The plan during that phase was based on the premise that, although resolution 1244 (1999) remains in force and still provides a mandate, recent actions by Kosovo's institutions have made it no longer possible or practical for UNMIK to function as an administrator. As a result, we are reorienting our field presence to concentrate on areas occupied by non-Albanian communities, with a mandate to monitor the interests of those communities and retain a supporting and mediation role.

In my previous address to the Council, I indicated the intention to enhance our interaction with the Organization for Security and Cooperation in Europe (OSCE) pillar. I have since made the explicit suggestion at the OSCE Permanent Council in Vienna for the OSCE to consider strengthening and focusing its activity in Kosovo. We are now taking steps to better integrate our common efforts, especially at the field level, in the spirit of resolution 1244 (1999) and in a status-neutral mode.

The next phase, which involves essentially the administration and support services internal to the Mission, cannot be completed until reconfiguration in the area of the rule of law is under way, because the size of the support services depends on the total size of the Mission. Our broad target is a reduction in staff of approximately 70 per cent, including the rule of law elements, but that will not be achieved until all three phases are complete. For now, UNMIK remains the

principal international guarantor of the rule of law in Kosovo.

The Council is aware of the European Union's willingness to launch its own rule of law mission in Kosovo within the framework provided by resolution 1244 (1999). European Union Rule of Law Mission Kosovo (EULEX) staff are now deploying at an increasingly accelerated rate. Once EULEX has deployed throughout Kosovo, under the umbrella of the United Nations, in the police, justice and customs sectors, UNMIK will review its own presence accordingly.

The report presented by the Secretary-General describes the conditions under which EULEX is to be deployed and the acceleration of UNMIK's reconfiguration that that will entail. The report also describes the results of the dialogue with Belgrade mandated by the Secretary-General's letter of 12 June (S/2008/354, annex I). Those arrangements, which have been accepted by the Serbian Government, will largely translate into a more focused dialogue between the sides to address the issues identified in the six areas. In view of the strong objections by the Pristina authorities to those temporary arrangements and taking into account an alternative four-point plan put forward by them, the Secretary-General has asked me to reassure the authorities in Pristina that implementation will proceed on the basis of close cooperation and coordination.

Before concluding, I would like to offer a personal observation. Nearly a decade after the end of the conflict in this region, Kosovo fundamentally remains an ethnically segregated society. Although the authorities in Pristina are firmly committed to a multi-ethnic society, including on the basis of their constitution, Kosovans, Albanians and Serbs live apart, in parallel worlds. To a certain extent this happens peacefully, but the potential for conflict is always there, and recently, we have seen an intensification of small incidents in the north.

Although the questions regarding Kosovo's status contribute to this situation, the international community should redouble its efforts to promote better conditions for safe and sustainable returns, which are currently at the lowest level since 2000, and for unimpeded freedom of movement throughout Kosovo for all communities. As we look for practical solutions through the ongoing process of dialogue — a

process requiring great patience, persistence and good will — I will continue to be guided by the basic principles of inclusion, integration and protection of the most vulnerable elements of Kosovo society.

In conclusion, let me say that UNMIK has constantly adapted itself to change, but the Mission has always sought to carry out its mandate under Security Council resolution 1244 (1999). That mandate has to be interpreted in the light of events. We are no longer engaged in relief work, for example, and have not been for a long time. By focusing on the fields where there is still some room for intervention and where we can still make a difference, UNMIK can best discharge its responsibilities to the Security Council under its mandate.

**The President** (*spoke in Spanish*): I thank Mr. Hannier for briefing.

I now call on the Minister for Foreign Affairs of Serbia.

**Mr. Jeremić** (Serbia): I am glad to be taking part in one of those occasions in which the errors of the past, carried out in the name of bare political expediency, can begin to be set aright through a series of acts characterized by strategic foresight, vision and prudence. We have the chance to engage in a common effort to attenuate the effects of a serious challenge to the foundations of the international system that took place on 17 February 2008. On that day, the ethnic Albanian authorities of Serbia's southern province of Kosovo and Metohija unilaterally declared independence from a State Member of the United Nations in direct violation of its democratic Constitution and against the will of the Security Council.

In all the meetings of the Security Council devoted to our southern province, Serbia has insisted upon the full respect of the binding obligations of the Charter of the United Nations, as well as this Council's resolution 1244 (1999), which guarantees the sovereignty and territorial integrity of my country. I make no apology for this. I celebrate the fact that Serbia is unwavering in its determination to defend its principled position on Kosovo peacefully, using all political, diplomatic and legal means at our disposal. We will continue to do so in the future.

I would like to take this opportunity to thank all the States Members of the United Nations that support

Serbia's position on Kosovo's unilateral declaration of independent, the first among these valiant equals being the Russian Federation. Our nations stand together, dedicated to safeguarding the principles set forth in the Charter of the United Nations.

Serbia's insistence on resolving Kosovo's future status in accordance with international law has not only been invoked for reasons of vital national interest and constitutional necessity, nor merely out of genuine care for regional peace and stability. We have also done so out of a fundamental concern about the dangerous consequences the Kosovo precedent could have for the survival of the United Nations system as we know it.

We hold that the argument that Kosovo is *sui generis* — in other words, a unique case — is untenable. The *sui generis* contention comes down to saying that Kosovo should be treated as exempt from international law and that Kosovo should stand beyond the rules that govern the behaviour of the international community. The Republic of Serbia strongly rejects this claim, believing that no one can claim the right to proclaim such exceptions, especially in defiance of the Security Council.

Serbia's position has remained consistent. The only way to avoid challenging the territorial integrity of any United Nations Member State is for the world community to work constructively together to solve this issue through international institutions of indisputable and universal legitimacy. On 8 October, the General Assembly supported Serbia's position by an overwhelming majority. It adopted a resolution to refer the question of status to the International Court of Justice. Thanks to this support, an issue of such fundamental importance and complexity, which passionately involves all at once identity, boundaries, communal rights and opposing historical narratives, has been steered clear of resort to the force of arms for the first time in the history of our region.

Referring this matter to the judicial arena was a reaffirmation by the world community of Serbia's strategic choice to respond to the universal declaration of independence peacefully and with maximal restraint. It is the first in a series of steps designed to create an environment in which lasting stability can be secured, law strengthened and the sovereign equality of nations reinforced.

The second involves restoring legitimacy to international action in our southern province. On

12 June, the Secretary-General issued a report in which he informed the Security Council of his intention to begin reconfiguring the international civilian presence in Kosovo. This was done without the approval of the Republic of Serbia, the host country of the United Nations Mission in Kosovo. And it was done without the endorsement of the Security Council, the only institution endowed with the power to legitimate changes in the composition of the international presence in Kosovo, as paragraphs 5 and 19 of resolution 1244 (1999) make abundantly clear.

Ignoring the will of Serbia and infringing on the statutory prerogatives of the Security Council sets the stage for a crisis of legitimacy. Just as with the universal declaration of independence, the Republic of Serbia responded in a non-confrontational manner. On 25 July, we addressed the Council to repeat our position that it is of "crucial importance [for reconfiguration to proceed] ... with the full engagement of Serbia. It must be completed with our acceptance and explicitly approved by the Security Council. That is the only way", we concluded, "to deliver legitimacy and ensure sustainability of our work" (S/PV.5944, p. 6). Our point was clear: the voice of Serbia must be respected.

On that basis, an understanding with the Secretary-General was reached in which a dialogue between Serbia and the United Nations would intensify on six topics of mutual concern: police, judiciary, customs, transportation and infrastructure, administrative boundaries and Serbian patrimony. After months of difficult negotiations, I am pleased to say that an agreement has been reached. Its provisions are detailed in the report we have before us.

That dialogue will continue. Serbia will remain constructive in the ongoing dialogue with the United Nations, while holding to its principled position on Kosovo, rooted in our country's Constitution and in Security Council resolution 1244 (1999).

Our present achievement is of great significance. It creates the conditions to protect the well-being of Serbs and other gravely endangered communities in Kosovo, and it cements the fact that the Republic of Serbia remains indispensable to the self-governance of our southern province.

Serbia's long-standing position of support for the deepening of the European Union's engagement in any part of Serbia, including Kosovo, has never been at

issue. The European Union can and should help to build the much-needed institutional and societal fabric of our southern province. That has been impossible until now because of the way reconfiguration began. What has always been a crucial condition for our acceptance of reconfiguration is the clear and binding commitment of the European Union, confirmed by the Security Council, to being fully status-neutral and to anchoring completely its presence in Kosovo under the authority of the United Nations, in conformity with resolution 1244 (1999).

I am pleased that those reasonable conditions have been met. The explicit language of the report confirms the status neutrality of the engagement of the European Union Rule of Law Mission in Kosovo (EULEX), which is a guarantee that no part of its mandate can be devoted to the implementation of the Ahtisaari plan for Kosovo's independence, which was rejected by the Republic of Serbia and "not endorsed by the Security Council" (*S/2008/692, para. 5*), in the words of the report that is before us today. The Republic of Serbia gives its full consent to the six-point agreement and the conditions laid out for the deployment of EULEX. We welcome the Secretary-General's report and invite the Security Council to endorse it.

I must confess my disappointment at the position that the authorities in Pristina have taken on the Secretary-General's report. What is of great significance, however, is that the implementation of the six points, as well as the deployment of EULEX — which, to quote the report, "will fully respect Security Council resolution 1244 (1999) and operate under the overall authority and within the status-neutral framework of the United Nations" (*ibid, para. 50*) — shall nonetheless be put into operation; and that it shall be done in consultation with relevant stakeholders, such as the Republic of Serbia. I call on the authorities in Pristina neither to obstruct the will of the international community nor to oppose the binding resolve of the Security Council.

I take this opportunity to draw the Council's attention to the difficult environment in which the most endangered community in Europe continues to live. For many Serbs in Kosovo, their fate continues to depend on how they feel they can survive despite the enormous hostility of their immediate surroundings. The representative of the Kosovo Albanians is present today in his personal capacity. In his previous remarks

to the Council, he claimed that Kosovo is an idyllic multi-ethnic place where democratic perfection is just around the corner. I therefore invite the Council to consider the following.

What of the abominable act of cultural cleansing that is the paving over of the ruins of the recently destroyed Serbian church in the centre of Djakovica, thus compounding physical destruction with the attempt to erase every trace of its very existence?

What of the defiance of the municipal authorities in Decani to restore the cadastral record of land belonging to the monastery of Visoki Decani, designated by UNESCO as a World Heritage Site and placed on its list of endangered places, notwithstanding two executive decisions by the Special Representative of the Secretary-General ordering them to do so?

What of the return of illegally seized private property? More than 30,000 such cases are outstanding. Those affected — Kosovo Serbs in particular — barely manage in makeshift dwellings or camps for internally displaced persons, while Kosovo Albanians continue to live in their homes and make use of their agricultural fields without any fear of prosecution.

What of the fact that, according to United Nations figures, only 107 displaced Kosovo Serbs returned to their homes in the first nine months of this year?

What of the break-in at the Kosovo Trust Agency compound by officials of the parallel institution known as the privatization agency of Kosovo, done in the presence of local police?

What of the seizure of massive quantities of medicine and medical equipment destined for North Kosovo or the enclaves?

What of the most recent stoning of Serbs in Kosovska Mitrovica and the use of automatic weapons by ethnic Albanians against unarmed Serbian civilians and international police?

Finally, what of the repeated assaults on international civilian officials in Kosovo?

Those and many other similar questions are disturbing indeed. As Member States of the United Nations, I believe it is our solemn duty to seek the answers to them.

In conclusion, I would like to say that quickly achieving full membership in the European Union will continue to be the central strategic priority of the Republic of Serbia. That should also remain the priority of all other United Nations Member States in the Western Balkans. The caravan of history that began its journey with the Treaty of Rome will not stop. We must make sure that no one is left behind as it goes by.

We have been very clear as to who we are and what we want. Serbia continues to believe in the shared destiny of all European nations. We remain dedicated to embrace Robert Schumann's dream of an organized and living Europe that is indispensable to the maintenance of peaceful relations among States. That is at the foundation of our democracy, our efforts at reconciliation and our belief in what we can accomplish together. They remind us of the importance of cooperation, compromise and consensus-building, while prompting us to remain true to the moral compass the values themselves provide for all who have the prescience to see beyond the first obstacle on the way.

Serbia — a whole Serbia, including its sovereign province of Kosovo — now a member of the United Nations, will join the European Union in the next few years. We will join the European Union with our heads held high, with our territorial integrity intact and with our sovereignty preserved.

Like most other nations, mine has travelled through periods of tragedy and periods of glory. Sometimes it is tragedy that produces the opportunity to achieve new heights; but those heights are not reached by simply inventing new history. That is why Serbia will never, ever, accept the independence of Kosovo, come what may. New heights are achieved by honouring all that constitute one's national identity, not by denying it. New heights are achieved by nurturing heritage, not by suffocating it. Achieving new heights is about a nation being proud of its past while reaching beyond its present.

Martin Luther King said that the arc of the moral universe is long, but it bends towards justice. It comes to all in the end. So it has always been, so it is and so it will be. And so will be Kosovo: part of Serbia forever.

Thank you, Mr. President, for giving me the opportunity to address the Security Council at a time of great consequence for us all.

**The President** (*spoke in Spanish*): I now give the floor to His Excellency Mr. Skender Hyseni.

**Mr. Hyseni:** I would very much like to thank you, Mr. President, for the opportunity to share with the Security Council our views on the current state of affairs in the Republic of Kosovo and on the challenges ahead of us. It is an honour to speak before the Council today about the continued progress in Kosovo after independence, with particular emphasis on the developments in and around Kosovo since my last Statement to the Security Council, on 25 July 2008.

Let me once again underline the important role that the Security Council has played at every stage of Kosovo's post-war development.

I am very proud of the progress that my country and my Government have made since the declaration of independence, on 17 February. In nine busy months, we have laid the foundations for a democratic and multi-ethnic State at peace with all its neighbours and firmly established on its path towards integration into Euro-Atlantic structures. We have adopted a modern constitution, which is based on the recommendations of Nobel Peace Prize winner and former United Nations Special Envoy for Kosovo Marti Ahtisaari and provides far-reaching protections for ethnic minorities.

Our Government has worked intensively to implement both the ideals and the objectives enshrined in the Constitution and the Ahtisaari Plan. The municipalities of Kosovo have been afforded a large degree of local governance under Kosovo's new legal framework. Members of Kosovo's ethnic minorities — including the Serb community — regularly participate in Parliament sessions, in the Government and in other institutions of the Republic of Kosovo.

Fifty-two States from around the world have recognized our independence, including a majority of nations represented in this Council. The recognition of Kosovo as an independent and sovereign State has continued. Since I last addressed the Security Council, another nine countries around the world have recognized my country as an independent and sovereign State. Let me take a minute here to extend our profound thanks and appreciation to the peoples and Governments of Colombia, Belize, Malta, Samoa, Portugal, Montenegro, Macedonia, the United Arab Emirates and Malaysia for supporting the right of the people of Kosovo to freedom and independence.

There have also been practical moves and measures, even on the part of countries that have not yet recognized Kosovo's independence formally, to accept our passports and find ways to accommodate the reality of an independent Kosovo. The recent recognitions are further clear evidence of the progress Kosovo has made in all areas since the declaration of independence. Recognition by Montenegro and Macedonia, our closest neighbours, besides confirming that Kosovo's independence has added significantly to the overall stronger sense of safety and stability in the western Balkans, has also strengthened the will and determination of the countries of the region to work together more closely on many issues of common concern and interest. We and all the countries of the region hope that, in due course, the Republic of Serbia will also join in the efforts to establish an environment of cooperation and understanding in the region, including the normalization of relations with the Republic of Kosovo.

Most countries in Europe have already recognized Kosovo, underscoring what we in Kosovo already know — that our hearts and our place are in Europe. The people of Kosovo are grateful to all the Governments that pledged nearly \$2 billion in economic development assistance to the Government of Kosovo in July, including some countries, such as Saudi Arabia, that have not yet taken the decision to recognize us. We are deeply thankful to NATO members for continuing to provide resources and personnel to help ensure the safety and security of our country.

I expect more recognitions in the coming months, in spite of the fact that the Serbian Government requested from the International Court of Justice an advisory opinion on Kosovo's independence. It is regrettable that such a request was ever made. We and many of our international supporters have noted repeatedly that the question of the independence of the Republic of Kosovo is settled and irreversible. We are confident, though, that the referral to the Court will not hinder nations around the world from assessing Kosovo's continued progress or their eventual decision to recognize its independence.

We are going to take an active part in presenting our case before the International Court of Justice. We are confident that the Court's deliberations will be fair and impartial. We also strongly believe that our position will be reconfirmed. Kosovo will, however,

pursue its development and progress as an independent State working with our international partners and friends. We will pursue further recognitions of Kosovo's independence through diplomatic activity and persistent international outreach from various sectors of our society. We have already started the membership processes with the International Monetary Fund and the World Bank, and we will in due course initiate the process of seeking membership with other international financial and political institutions.

The first 10 embassies of the Republic of Kosovo have already been established. I am very pleased and happy that today, sitting next to me in this Chamber, I have Mr. Avni Spahiu, the head of our embassy in Washington, D.C. The first half of 2009 will see the establishment of another 10 to 15 embassies of the Republic of Kosovo throughout the world.

In spite of the huge progress achieved so far, we are deeply conscious of the tasks that still lie ahead of us. Among the most pressing is the need to establish a unitary system of rule of law with a European perspective. On the very day that independence was declared, the sovereign authority of the Republic of Kosovo — the President of the Republic of Kosovo — invited the European Union and NATO to perform specific functions in an independent Kosovo. The Parliament of the Republic of Kosovo, other State institutions and the people of Kosovo have endorsed and welcomed the establishment of the International Civilian Office to supervise the implementation on the ground of the provisions of the Ahtisaari comprehensive settlement proposal.

The deployment of the European Union Rule of Law Mission in Kosovo (EULEX), which has been designed to help the Kosovar institutions in the police and justice sectors, also enjoys the full support of the people and State authorities of Kosovo. The deployment of EULEX throughout Kosovo is critical and indispensable in all possible terms. Central and local authorities in Kosovo look forward to working closely with EULEX to improve the living conditions, safety and security of all citizens of the Republic of Kosovo.

We are therefore very committed to the early deployment of EULEX throughout Kosovo, in accordance with the mandate that derives from the Kosovo Declaration of Independence, the Ahtisaari package, the Constitution of the Republic of Kosovo,

the laws of the Republic of Kosovo, the European Union joint action plan of 4 February 2008, and the invitations of 17 February and 8 August 2008 for EULEX deployment.

In a declaration of 18 November, the institutions of the Republic of Kosovo made very clear their rejection in its entirety of the six-point proposal contained in the Secretary-General's report (S/2008/354). Our position and response to the report remains the same. We cannot permit any action that infringes upon the sovereignty and territorial integrity of the Republic of Kosovo. We will cooperate with EULEX on its deployment throughout Kosovo on the basis of the mandate deriving from the aforementioned documents, fully respecting the sovereignty, territorial integrity and unitary character of the Republic of Kosovo.

We note that the international community has continued to underscore the illegitimacy of parallel municipal structures, self-declared municipal officeholders, and attempts in some Serb majority areas to intimidate those individuals who wish to work with their Albanian neighbours to build a better future for all of Kosovo. As always, the institutions of the Republic of Kosovo will continue to cooperate with the European Union, the United States and NATO to achieve those goals. Close cooperation between the Republic of Kosovo and our international partners is indispensable as we implement the Ahtisaari plan and as we work to build a multi-ethnic Kosovo based on democratic values and the highest international standards.

Once again, Kosovo welcomes EULEX and looks forward to its reaching operational capability in December. EULEX will help reinforce the European perspective and orientation that is critical to my country's future. Our Government and our people pledge to cooperate with EULEX as we work to implement the Kosovo Constitution and strengthen the rule of law throughout Kosovo, a goal that is to the benefit of all the people of Kosovo and in the interest of all countries in the region.

As we persistently seek ways to reach out and cooperate with Belgrade on many issues of common interest, and in the framework of regional cooperation structures and initiatives, so we continue to react with restraint and moderation to provocations coming from Serbia, believing this approach to be the only way

towards the establishment of a democratic and multi-ethnic State. In an independent Kosovo there is room and opportunity for all. Our future lies squarely on the path to European integration, and Kosovo intends to pursue this path very vigorously.

In conclusion, let me emphasize Kosovo's strong commitment to becoming a contributing member of the international community. The Republic of Kosovo looks forward to working with all of the members of the Council to promote the shared goals of international peace and safety. Once again, I wish to thank the Council for the opportunity to present the views of the Republic of Kosovo.

**The President** (*spoke in Spanish*): I shall now give the floor to members of the Council.

**Mr. Ripert** (France) (*spoke in French*): Let me first of all thank Mr. Jeremić, Minister for Foreign Affairs of Serbia, and Mr. Hyseni, Minister for Foreign Affairs of Kosovo, for their presence. We have listened carefully to their statements. I would like to tell Mr. Lamberto Zannier, Special Representative of the Secretary-General, how very much we appreciate the efforts he made under the guidance of the Secretary-General to have a dialogue between the parties leading to the emergence of a consensus on the international presence in Kosovo.

In June, the Secretary-General launched a reconfiguration of the international civilian presence in the context of resolution 1244 (1999). Before and after the decision, he maintained a permanent dialogue with all of the parties concerned. This dialogue made it possible to elicit a common goal over and above all differences, a goal to preserve stability in Kosovo and the region. We now derive from this goal something everyone agrees on, which is that a reconfiguration of the international presence initiated in June by the Secretary-General is the best way to achieve this goal.

We welcome the report of the Secretary-General (S/2008/692). It is time to accelerate the reconfiguration of the international presence. In this context, the European Union Rule of Law Mission in Kosovo (EULEX) will continue to deploy throughout Kosovo in close coordination with the United Nations Interim Administration Mission in Kosovo (UNMIK) in order to take over all operational rule of law functions. As we have recalled several times, EULEX will operate in the context of resolution 1244 (1999)

under the overall authority of the United Nations and in a fully transparent manner.

We have just heard the Ministers for Foreign Affairs of Serbia and Kosovo react to the report of the Secretary-General. We would like to welcome, first of all, the constructive attitude of the Serbian authorities with respect to the reconfiguration of the international presence and the deployment of EULEX. By supporting the initiatives of the European Union to contribute to peace and stability in the region, they are participating in creating the conditions for a common European future for the Western Balkans. We have also taken note of Mr. Hyseni's positions, and I would like to tell him that we have the greatest respect for the views of the Kosovar authorities and that we will take their concerns into consideration with great seriousness.

What I take from his statement is a strong affirmation of the Kosovo Government's willingness to fully cooperate with the international community, and that must be commended. I would like to assure him that we want to maintain a close dialogue with Pristina in the context of the EULEX deployment throughout Kosovo.

In order to go beyond the divisions inherited from the past, we are proposing to the people of the Western Balkans a common future in the context of Europe. We must determine how we can help Serbia to place its future in a European context. The European Union has also expressed its willingness to support the economic and political development of Kosovo by offering it a clear European future.

Allow me therefore to conclude by emphasizing the following point. The European Union is fully conscious of its responsibilities when it comes to going beyond obstacles to a prosperous stable and successful Western Balkans. It is in this spirit that we have deployed EULEX; it is in this spirit that we hope to move ahead in the coming months on the road to a common future for Serbs and Kosovars within the European Union.

**Ms. DiCarlo** (United States of America): I would like to welcome Foreign Minister Jeremić and Foreign Minister Hyseni to the Council today and thank them for sharing their perspectives on the situation in Kosovo. I would also like to thank Special Representative of the Secretary-General Zannier for his

remarks today. The United States commends Mr. Zannier's service to the international community.

Fifty-two countries from around the world have now recognized Kosovo as a sovereign and independent State, and more are expected to do so in the coming months. In the nine months since its declaration of independence, the Republic of Kosovo has established the framework for a stable, multi-ethnic democracy. It is realizing the vision set forth in the comprehensive status proposal of United Nations Special Envoy and now-Nobel Peace Prize laureate Martti Ahtisaari.

Kosovo's independence is irreversible. The Secretary-General's report (S/2008/692) notes the changed reality in Kosovo and highlights the progress made — the adoption of a modern and progressive constitution that ensures the rights of all ethnic groups; the establishment of institutions of governance, including a Ministry for Foreign Affairs; steps to provide for Kosovo's basic security needs through the establishment of a civilian-controlled security force; and the issuance of Kosovo passports.

Real challenges remain, however, with regard to inter-ethnic relations, although the Secretary-General's report makes clear that inter-ethnic violence remains low. For that, my Government commends the stewardship of the Government of Kosovo. We encourage Kosovo's leaders to build on their previous efforts to develop multi-ethnic institutions and to fully implement the Ahtisaari Plan.

It is appropriate that the United Nations Interim Administration Mission in Kosovo (UNMIK) should adapt its role in response to changed realities in Kosovo. We welcome the Secretary-General's decision to accelerate the reconfiguration of UNMIK to allow for the deployment of the European Union Rule of Law Mission in Kosovo (EULEX) throughout Kosovo.

The Secretary-General's report calls for certain interim arrangements related to UNMIK cooperation with Belgrade pending full deployment of EULEX, the so-called six-point plan. Kosovo's leaders made clear in their 18 November statement that they reject the six points but that the Republic of Kosovo welcomes and will facilitate the deployment of EULEX. We have heard today that the Government of Serbia also welcomes the deployment of EULEX on the territory of Kosovo.

The United States underscores the importance of respecting Kosovo's sovereignty and territorial integrity. In this context, we welcome the commitment of the Secretary-General to consult and coordinate continuously with Kosovo authorities on the implementation of these interim arrangements.

The Secretary-General's decision will accelerate the transfer of UNMIK's residual rule of law responsibilities to EULEX throughout Kosovo. Of course, the Government of Kosovo has a major and complementary responsibility for exercising functions related to the rule of law in the country.

The deployment of EULEX under the mandate specified in the EU Joint Action of 4 February will ensure a unified customs regime and a single police chain of command. It will help address the problem of parallel institutions that currently hinders economic and political development. The United States will have an active role in EULEX, with United States police officers, judges and prosecutors working alongside their European counterparts throughout Kosovo. We urge all stakeholders, especially the Governments of Serbia and Kosovo, to ensure that EULEX is deployed without delay.

Minister Jeremić has raised several concerns. My Government is committed to ensuring that Kosovo Serbs enjoy full rights and privileges in Kosovo. We will continue to work alongside the Government of Kosovo and all the people of Kosovo to create a safe, secure and prosperous future for all ethnic groups in Kosovo. We are also committed to our relations with Serbia, and we share the aspirations of Minister Jeremić for Serbia's European future. We will work to promote that future for Serbia, Kosovo and all countries in the Western Balkans.

**Mr. Mantovani (Italy):** Allow me, Mr. President, to express our warmest welcome to the Foreign Minister of Serbia, His Excellency Vuk Jeremić, and to the Foreign Minister of Kosovo, His Excellency Skender Hyseni. I also welcome the Special Representative of the Secretary-General, Lamberto Zannier, to whom goes our deepest appreciation for his efforts and good offices with all parties and key stakeholders at this very delicate juncture.

In these four months we have been facing considerable challenges. A major reconfiguration has been carried out, in view of the downsizing of the United Nations Interim Administration Mission in

Kosovo (UNMIK), while the European Union will be taking on unprecedented responsibilities through its largest-ever external Security and Defence Policy mission. Through the European Union Rule of Law Mission in Kosovo (EULEX), the European Union will assist the Kosovo authorities in forming a multi-ethnic State. At the same time, it will contribute to guaranteeing European Union standards in the rule of law for Kosovars and will offer a clear signal of a European perspective for that young country.

The Secretary-General's report signals the growing difficulties that the Special Representative is facing in exercising his mandate after Kosovo's declaration of independence and the entry into force of its constitution. The time has come, therefore, for us to strengthen the European Union presence on the ground. Significantly, the Secretary-General has stated,

"I expect EULEX to move forward with its deployment in the coming period and to assume responsibilities in policing, justice and customs, under the overall authority of the United Nations, under a United Nations umbrella headed by my Special Representative, and in accordance with resolution 1244 (1999)." (*S/2008/692, para. 23*)

UNMIK and EULEX are already working well and closely together, so that the European Union mission may begin deployment, ensuring that the reconfiguration is carried out effectively and according to plan.

We are also particularly pleased to note that dialogue with Belgrade and consultations with Pristina have brought about a framework agreement on the six points outlined in the Secretary-General's report of 12 June (*S/2008/354, annex I*). Through this agreement, Special Representative Zannier has produced a blueprint for Serb-majority areas in key sectors, such as police, justice and customs, in which EULEX will concentrate its activities. We take note of Pristina's concerns over the six points, and at the same time we commend its commitment to favouring the prompt deployment of EULEX, with which it is willing to work. We are confident that Belgrade will also cooperate with EULEX.

We trust that work done in the run-up to this Security Council meeting will contribute to creating a constructive climate allowing EULEX to perform its duties throughout Kosovo, including in the north. EULEX must be perceived by all local populations as a

fundamental element for building a multi-ethnic society in which people can live and prosper according to standards of democracy and the rule of law in line with those of the European Union.

Italy fully supports the way forward outlined in the Secretary-General's report, particularly with regard to EULEX. It believes that carrying out what he has suggested will be to the benefit of stability in Serbia, Kosovo and the region as a whole.

Italy is one of the contributors to KFOR, as it will also be to EULEX. Italy favours an enhanced role for the Organization for Security and Cooperation in Europe. NATO must remain a key player in contributing to a safe and secure environment and in performing duties in connection with institution-building in Kosovo. Its present structure should therefore not be changed. Italy remains committed to contributing to the efforts of the international community in Kosovo, to regional democratic stability and to the European future of all countries of the Western Balkans, including Serbia. We look forward to a prompt entry into force of the Stabilization and Association Agreement with Belgrade.

**Mr. Sangqu** (South Africa): South Africa would like to join others in welcoming the Foreign Minister of Serbia, Mr. Jeremić, to the Council, as well as the Special Representative of the Secretary-General, Mr. Zannier. We also welcome Mr. Hyseni.

We would like to thank Mr. Zannier for his briefing and the Secretary-General for his report. We are particularly pleased to note the outcome of the dialogue between the Secretariat and Serbia on the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK), allowing for an increased role for the European Union in Kosovo. However, we must emphasize that the reconfiguration should be carried out in a neutral manner, under the legal framework established by resolution 1244 (1999) and under the authority of UNMIK.

With regard to the substance of the report, South Africa reiterates its concern over the low number of returns of displaced persons, especially since the report indicates that that already slow process has become even slower. We are especially troubled by the Secretary-General's observation that the Ministry of Communities and Returns in Kosovo is not functioning in a transparent manner and is taking decisions that

may divert resources for returns. My delegation is of the opinion that the issue of returns is central to the promotion of reconciliation between communities.

South Africa also concurs with the Secretary-General that the future stability of the Balkans lies with the European Union. However, achieving that integration will be difficult if the parties do not engage. My delegation is concerned over the lack of direct dialogue between the parties. It is our opinion that the chapter of the Balkan wars will never be closed unless and until dialogue is established with the aim of achieving reconciliation among all parties.

On numerous occasions my delegation has stressed the need for the resolution of conflicts and disputes through dialogue and negotiation based on international law, the principles of the United Nations Charter and the resolutions of the Security Council. That approach is important in securing lasting and sustainable solutions. In that regard, South Africa has constantly expressed its concern over the manner in which Kosovo declared its independence from Serbia, especially at the fact that it was not achieved through a negotiated settlement. Consequently, we welcome the decision of the General Assembly to refer the question of Kosovo's unilateral declaration of independence to the International Court of Justice (General Assembly resolution 63/3). We are of the opinion that the judgement will assist in clarifying the situation.

**Mr. Grauls** (Belgium) (*spoke in French*): May I first of all welcome the Minister for Foreign Affairs of Serbia, Mr. Vuk Jeremić, and the Kosovar Minister for Foreign Affairs, Mr. Skender Hyseni. I also welcome the Special Representative of the Secretary-General, Mr. Lamberto Zannier.

Since our last debate on Kosovo, last July, the reality on the ground has continued to evolve, as can be seen from the report of the Secretary-General. The Kosovar authorities have taken tangible measures to consolidate the status of their new State. The constitution entered into force on 15 June; legislative activity continued in several important areas, and new institutions have been established.

These and other measures are described in the recent report of the Secretary-General (S/2008/692) and I shall not speak of them at length. The report also describes in detail the steps taken by the Secretary-General and his Special Representative to adapt the United Nations presence to the new reality. As my

delegation said at the last meeting on this subject (see S/PV.5944), this shows realism and a real sense of responsibility. We therefore believe that these decisions merit our full support.

Let me briefly stress three points that are of particular importance to my delegation. First, it is important that the process of the adaptation and reconfiguration of the international presence and its composition continue and even accelerate, in the light of the reality that the Secretary-General describes in his report. Such a reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK) should be accompanied by an accelerated deployment of the European Union Rule of Law Mission (EULEX), which, once it is operational, will carry out its rule of law functions throughout Kosovo in the interests of all citizens of Kosovo.

In Belgium's view, the deployment of the European Mission is of paramount importance, as evidenced by our contribution and active involvement in EULEX. Here, Belgium appreciates UNMIK's cooperation with EULEX, including on technical modalities, and we encourage UNMIK to further intensify its cooperation in the coming weeks, to ensure the full implementation of the EULEX mandate.

My second point relates to the responsibility of the two parties concerned, whose representatives have joined us at this table. The international organizations such as the United Nations and the European Union are not the only ones who have responsibilities to shoulder. I note with satisfaction that both parties have agreed to the deployment of EULEX throughout the territory and to the reconfiguration of the international presence, as described in the report of the Secretary-General.

We have heard that, on some points, the positions of Belgrade and Pristina still differ. But it is reassuring that on other issues — first and foremost, on cooperation with the international community — both parties have demonstrated a certain level of pragmatism and a sense of responsibility. Compromise is never easy, but it is sometimes necessary. Belgium encourages the two parties to continue to develop productive working relationships that can foster stability and regional cooperation.

Finally, Belgium hopes that today the Security Council will be in a position to take note of these positive developments.

**Mr. Kafando** (Burkina Faso) (*spoke in French*): I wish at the outset to welcome Their Excellencies the Ministers for Foreign Affairs of Serbia and of Kosovo, Mr. Jeremić and Mr. Hyseni, and to thank them for their important contributions to this debate. I also thank Mr. Zannier, the Special Representative of the Secretary-General, for all the information he has provided in the framework of the report of the Secretary-General (S/2008/692).

First of all, we note with satisfaction the relative calm that continues to prevail in Kosovo. We are pleased to note that since the declaration of independence no major crisis has occurred, despite the fact that a number of difficulties remain to be resolved.

We welcome the efforts of the Kosovo authorities, who continue to work to establish viable institutions, making it possible to exercise the prerogatives of a sovereign State, despite resistance here and there and a boycott of the new administration by a small minority of the population, in particular in the north. The resulting tension is minor, but it should not be minimized. That is why we appreciate the joint efforts of the police of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Kosovo Force (KFOR), which have made it possible to maintain calm thus far.

It is clear that Kosovo's declaration of independence, followed by the adoption of its constitution, has greatly changed the situation in the region. Hence, we endorse the Secretary-General's initiative to reconfigure the international civil presence on the basis of the provisions of resolution 1244 (1999). This should enable the European Union to play a larger role in Kosovo, through the European Union Rule of Law Mission (EULEX).

We are sure that EULEX can contribute a great deal to consolidating UNMIK's achievements, and we can only welcome the agreements entered into between UNMIK and the European Union Mission on facilitating EULEX's deployment in Kosovo.

We welcome the dialogue on the six key points that has begun in Belgrade and Pristina, involving all the parties and under the auspices of the Special Representative of the Secretary-General. We stress, however, the importance of taking account of the views expressed by the Kosovo authorities, including in their sovereign statement of 18 November (see S/2008/692, annex I).

In addition to support for the Kosovo authorities in the key areas of security, rule of law, protection of cultural and religious heritage, integration and the protection of minorities, it is important also to support the country's socio-economic development efforts: pillars which are vital to strengthen stability.

Since both parties aspire to integration into the great European family, the Republics of Kosovo and Serbia should overcome their differences and give top priority to what is essential: stability, security and prosperity in Kosovo, in Serbia and throughout the Balkans.

In conclusion, we express our thanks to UNMIK, KFOR and the Organization for Security and Cooperation in Europe for their joint efforts, which have made it possible to maintain stability in Kosovo. We thank the Secretary-General and his Special Representative, who is present in the Chamber, for their initiatives aimed at bringing the views of all the parties closer together. We urge them, together with the European Union, to continue on the path towards a lasting solution that is acceptable to all the parties.

**Mr. Shcherbak** (Russian Federation) (*spoke in Russian*): We are grateful to Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo, for his introduction of the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2008/692). The Russian authorities have carried out a thorough analysis of the report.

We welcome the participation in today's Security Council meeting of Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia. We are grateful to him for the points he made, and we agree with them. Also, we listened carefully to the statement made by Mr. Hyseni.

The Russian position on the situation in and around the province is a consistent one, and it is unchanged. We continue to believe that there is a need for strict implementation of resolution 1244 (1999) and of the mandate for the Mission in Kosovo, which the Council approved through that resolution. We believe that Kosovo's unilateral declaration of independence and its recognition by some States representing a minority of the international community run counter to the norms of international law, first and foremost the Charter of the United Nations, the Helsinki Final Act and resolution 1244 (1999), as well as other instruments.

As the Secretary-General has often said, resolution 1244 (1999) remains in force in its entirety. By the terms of that resolution, the Special Representative of the Secretary-General and the Mission he heads in Kosovo must continue to discharge the functions entrusted to them, including assisting members of national minorities and ensuring their rights and security, and implementing the democratic standards established by the international community for the province. The main impetus for the activities of the international presence must be the implementation of those standards, because the situation in respect of those standards, as indicated in the report, remains unsatisfactory. We drew attention to this point earlier — in fact, before the illegal declaration of independence — and we would draw the Council's attention to it again now.

As time has shown, the unilateral declaration of independence of Kosovo has not helped to solve the key problems in the province. There is still a high level of corruption and crime; there has been no improvement in the economic or social spheres; there has been no easing of the inter-ethnic tension, now subject to a new factor — friction and disagreements among the Kosovars themselves. The Minister for Foreign Affairs of Serbia, Mr. Jeremić, spoke today of the many worrisome aspects of the situation in Kosovo.

If these negative tendencies are not reversed — and this is a point that the Russians have often warned about — the situation in Kosovo could become a source of serious regional destabilization. Naturally, Russia would like to see some radical change for the better in all of the aforementioned areas, because it would be in the interests of all countries of the region and the international community as a whole.

We welcome the agreement between Belgrade and the United Nations on the six technical points, and it is now a question of fully implementing them. All parties are required to do so. We do not exclude the possibility that if the Pristina authorities were not to work to honour those agreements — and we do, unfortunately, have some information to that effect — the international community would be obliged to bring effective pressure to bear on Pristina to implement those points. This should be given special attention by the international presence. The dialogue between Belgrade and the United Nations must continue on these matters, which are still pending.

We confirm our negative assessment of the action begun in June this year by the Secretary-General, without required authorization by the Security Council, to reconfigure the international presence in Kosovo. In such circumstances, the legalization of the so-called European Union Rule of Law Mission in Kosovo (EULEX) would be possible only with the consent of all parties, including Belgrade, to its deployment. Any move to circumvent the Security Council is a direct violation of the United Nations Charter.

We would stress that, under paragraphs 49 and 50 of the report of the Secretary-General, the international presence in the province must maintain a status-neutral approach and it must act within the context of resolution 1244 (1999) and in coordination with the United Nations.

The only way to remedy the situation is to return to the process of seeking a solution in the international judicial arena, in the interests of long-term stability in the Balkans and of shifting the numerous separatist tendencies throughout the world. Russia intends to continue insisting that the Security Council play a leading role in Kosovo, on the basis of compliance with the existing norms of international law, the United Nations Charter and decisions of the Security Council itself.

**Mr. Jurica** (Croatia): May I start by joining others in welcoming to this Chamber Mr. Vuk Jeremić, the Minister for Foreign Affairs of the Republic of Serbia, and Mr. Skender Hyseni, the Minister for Foreign Affairs of the Republic of Kosovo. I would also like to thank Mr. Lamberto Zannier, the Special Representative of the Secretary-General, for his briefing on the United Nations Interim Administration Mission in Kosovo (UNMIK).

I would like to begin my statement by underlining that we deem it a simple fact that the Republic of Kosovo has come into being as a newly established State, that this is important, and that it is an important contribution to world peace and to security and stability in South-East Europe.

Ensuring Kosovo's independence, sovereignty and territorial integrity is fundamental to achieving long-term and irreversible stability in that corner of the European continent and to seeing it fully integrated into a stable and prosperous European future.

In this regard, we applaud the European Union for continuing its efforts to advance the European perspective for all the countries of that region, based on their reform efforts and individual accomplishments. The European Union has proven to be a major force for positive change and a motor for much-needed reforms. We also expect that the European Union Rule of Law Mission in Kosovo (EULEX) will ensure and aid in further solidifying Kosovo's independence and sovereignty, as well as offer its assistance in the development of democracy and the rule of law as the most visible and symbolic proof of its engagement. We welcome the decision of the Secretary-General to proceed with the further reconfiguration of UNMIK and thus facilitate the deployment of EULEX throughout Kosovo.

Croatia signed an agreement with the European Union on 24 November 2008 enabling my country to participate in EULEX. By doing so, we have added our support for regional stability in South-East Europe and in this way complemented our long-standing offer of assistance, experience and know-how.

Finally, we reiterate our call on the authorities of both countries, Serbia and Kosovo, and to all citizens of Kosovo, regardless of their ethnicity, to continue to cooperate with the United Nations, NATO and the European Union in order to ensure continued peace, security and stability.

In conclusion, I would like to express our desire to see both countries — the Republic of Serbia and the Republic of Kosovo — invest substantive efforts into building good-neighbourly relations between the two nations.

**Mr. Kleib** (Indonesia): First of all, let me join other speakers in thanking Special Representative of the Secretary-General Zannier for his briefing on the latest situation in Kosovo and the Secretary-General for his report (S/2008/692). We would also like to welcome the presence of Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia, and we thank him for his statement. We also welcome the presence of Mr. Hyseni.

We are deeply troubled by several inter-ethnic security incidents, albeit at a low level, during the rebuilding period. This chain of events must be halted by various preventive measures, including non-coercive measures. The Security Council collectively must transmit a clear message to all parties to continue

to exercise restraint with a view to maintaining stability and security in the region.

We understand that there are divergent paths being taken by Belgrade and Pristina with regard to the space in which the United Nations Interim Administration Mission in Kosovo (UNMIK) can operate. This has significant consequences within which the Special Representative can exercise his mandate, as stipulated in resolution 1244 (1999). This has led UNMIK to start a series of steps in the reconfiguration process. In this regard, we support the work of Special Representative Zannier and UNMIK and acknowledge the need to adjust UNMIK's structure and profile in response to the profoundly changed reality in Kosovo.

We also recognize that UNMIK has to cooperate with the European Union (EU) to facilitate the EU's preparation to undertake an enhanced operational role in Kosovo in the rule of law area. For this reason, we wish to stress the importance of establishing a clear link between the EU office with that of the Special Representative of the Secretary-General. It is our understanding that resolution 1244 (1999) still governs Kosovo, and thus any entity working in the region has to fall within that framework. These efforts will once again demonstrate that synergy and efforts between the United Nations and regional organizations can bear the fruits of success.

While taking into account the evolving situation on the ground that surrounds and affects the role of UNMIK, and in the interests of maintaining peace and stability, we urge all parties on the ground to continue to work and cooperate with UNMIK. Resolution 1244 (1999) continues to provide the necessary political and legal framework in which UNMIK must discharge its mandate, including the implementation of standards. UNMIK's operational reconfiguration, as we understand it, is status-neutral.

Indonesia supports the continuation of dialogue and negotiation between Belgrade and Pristina on issues of mutual concern. It is particularly crucial that this effort also encompass the wider issue of resolving the final status question. Without this consideration, it is difficult to foresee the possibility of normalizing the situation on the ground.

We continue to welcome the steadfast position taken by Serbia in committing itself to resolving the final status of Kosovo by political, diplomatic and

legal means. By the same token, we call on all parties in Kosovo to embrace a similar position. Such an approach will, we believe, guarantee that all Kosovars will ultimately enjoy the dividends of peace.

In this context, the Secretary-General should continue to engage all parties in the region so as to find a mutually acceptable solution in line with resolution 1244 (1999).

Finally, we would like to conclude by thanking the Secretary-General and his team for their efforts as well as all UNMIK personnel, under the leadership of the Special Representative, Mr. Zannier, for their dedication to the pursuit of peace and security in the region.

**Mr. Hoang Chi Trung (Viet Nam):** My delegation joins others in thanking the Secretary-General for his report (S/2008/692). We also thank Mr. Zannier, the Special Representative of the Secretary-General, for his informative briefing. My delegation welcomes the participation of His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia, and Mr. Skënder Hyseni.

Taking into account the prevailing circumstances and the substantially changed situation in Kosovo, my delegation welcomes the six-point plan reached between Serbia and the United Nations, after a series of dialogues and consultations on the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK). We also welcome the Secretary-General's intention to conduct further consultations with the concerned parties with regard to carrying out the temporary arrangements put forth in his report.

It is our view that any actions with regard to UNMIK or a changing in the format of the international presence in Kosovo are possible only if they are in line with the framework of resolution 1244 (1999) and on the basis of a decision to be arrived at by the Security Council.

My delegation welcomes the Secretary-General's report and commends his effort to adapt UNMIK to a changed reality and to address the current and emerging operational requirements in Kosovo. We also understand the desire of the European Union (EU) to undertake an enhanced operational role in Kosovo in the area of rule of law.

We share the Secretary-General's view that the EU's Rule of Law Mission in Kosovo should be neutral

and impartial and that it should act strictly within the framework of the mandate entrusted to it by the United Nations and in conformity with resolution 1244 (1999).

At this critical juncture, we wish to call on Belgrade and the representatives of all of Kosovo's communities to actively engage in a good-faith dialogue with a view to ensuring the rights of all communities in Kosovo and facilitating the return of refugees and internally displaced persons.

We firmly believe that a durable and sustainable solution to the issue of Kosovo can and should be achieved on the basis of a decision to be worked out under the leadership of the Security Council, a decision that would fully comply with the norms of international law and be acceptable to both Belgrade and Pristina, thus contributing to peace, security and stability in the Balkan region and in Europe as a whole.

**Mr. Li Kexin (China)** (*spoke in Chinese*): First of all, China wishes to thank the Secretary-General for his report as well as the Special Representative, Mr. Zannier, for his briefing.

We listened carefully to the statement by His Excellency Mr. Vuk Jeremić, the Minister for Foreign Affairs of Serbia, as well as the statement by Mr. Skënder Hyseni.

China's position on the question of Kosovo has been consistent. We maintain that all parties concerned should properly resolve the question of Kosovo on the basis of the purposes and principals of the United Nations Charter and Security Council resolutions. We have always believed that a mutually acceptable plan, reached after sincere negotiations by both parties concerned, remains the best approach to the question of Kosovo. The parties concerned should continue to move in this direction.

We have noted that recently Serbia has held intensive consultations with the United Nations Interim Administration Mission in Kosovo (UNMIK) and the European Union (EU). Serbia has basically agreed with the Secretary-General's six-point plan. We hope that parties concerned will create conditions for a solution to this issue in a constructive spirit.

We agree that a reconfiguration of UNMIK is, as is pointed out by the Secretary-General in his report, of a technical nature. It does not involve the status of Kosovo, nor does it weaken the United Nations position of neutrality on the question of Kosovo.

China will continue to support efforts by UNMIK to implement its mandate under resolution 1244 (1999). Safeguarding the peace and stability of Kosovo and the entire Balkan region is in the interest of all parties concerned. We understand the EU's desire to undertake an enhanced role in this regard. We hope that European Union Rule of Law Mission in Kosovo, to be deployed by the EU, will perform its duties pursuant to resolution 1244 (1999) and under the overall authority of the United Nations.

**Mr. de Vengoechea (Panama)** (*spoke in Spanish*): First of all, let me thank the Minister for Foreign Affairs of Serbia, His Excellency Mr. Vuk Jeremić, and Mr. Skënder Hyseni for their statements.

We would also like to thank the Special Representative of the Secretary-General, Mr. Lamberto Zannier, for his briefing. We would like to commend the personnel of the United Nations Interim Administration Mission in Kosovo (UNMIK) for their excellent work. It is thanks to them that, after the adoption of resolution 1244 (1999), there has been relative peace and stability in the region.

As stated in the latest report of the Secretary-General (S/2008/692), current realities in Kosovo make it impossible for UNMIK to discharge most of its mandate. Panama therefore supports and continues to support the reconfiguration of the Mission. Panama is in favour of the deployment of the European Union Rule of Law Mission in Kosovo (EULEX) to take charge, under the legal authority of UNMIK, of United Nations responsibilities in Kosovo.

We are doing so in keeping with our position that regional organizations should play a priority role in resolving the problems in their own regions. The actions of the Secretary-General and the European Union (EU) are particularly appropriate, given that the Council cannot achieve a consensus on the matter and that resolution 1244 (1999) has no set time frame.

Nevertheless, since this is an undesired situation, although the best we can achieve, the international community must do everything in its power to ensure that Serbia is part of the solution to the Kosovo issue. That is why we commend the Secretary-General having instructed his Special Representative to engage in negotiations with Belgrade on matters of such importance to Serbians and Kosovars in order to have the cooperation of both with regard to the

reconfiguration of UNMIK and the deployment of EULEX.

We are gratified by the outcome of the discussions between the United Nations and Belgrade, since Belgrade's endorsement is indispensable to the success of any international initiative in Kosovo. That is why we commend the presidential statement that has recently been circulated concerning the report of the Secretary-General.

In conclusion, we would like to reiterate that we have no doubt that the future of Serbia and Kosovo lie in European integration. That is why we urge leaders in Serbia and Kosovo to leave behind the nationalist rhetoric of the past that has caused so much suffering to their peoples. Let them, instead, turn their eyes to a European future, where both peoples can resolve their differences, where national borders and belonging to one group or another will be less important and where a spirit of cooperation and social and economic development will prevail.

**Mr. Dabbashi** (Libyan Arab Jamahiriya) (*spoke in Arabic*): I would like to join colleagues in welcoming Mr. Jeremić, the Minister for Foreign Affairs of Serbia, and Mr. Hyseni. I wish to thank them both for being here with us today. May I also thank Mr. Lamberto Zannier, Special Representative of the Secretary-General, for his briefing on recent developments in Kosovo.

It is our understanding that the situation on the ground in Kosovo has changed significantly, so we find ourselves faced with a new situation, to which the United Nations Interim Administration Mission in Kosovo (UNMIK) has to adapt. Thus there are several challenges for UNMIK to take up. It is an interim administration in the context of resolution 1244 (1999), following the declaration of independence on 27 February 2008 and the Kosovo Serbs' rejection of that.

We understand the Secretary-General's decision about operational factors affecting the civilian international presence in Kosovo, and we appreciate the effort to reconfigure UNMIK and to cooperate with the European Union in the rule of law. That is, of course, in accordance with resolution 1244 (1999).

We are in favour of the international presence in terms of reconfiguration and general structure. My country reconfirms once again that resolution 1244

(1999) is the legal framework for the United Nations effort in Kosovo, and it must continue to discharge that mandate until the Security Council decides otherwise. Therefore, any entity in the region must be part of that framework.

We have taken due note of the talks that were organized between the representatives of the Secretary-General and the European Union and the Rule of Law Unit at the technical level. We support the six common points set out by the Secretary-General in his letter of last 12 June (S/2008/354, annex I), stressing police, courts, customs, transportation and infrastructure, boundaries, and Serbian patrimony. We confirm the importance of the Mission's having dialogue with all parties on all operational matters.

We have some concerns about the gaps and differences between Albanian Kosovars and Serbian Kosovars that could affect stability in Kosovo in the long run. That could create problems, so we call on all parties to make every effort to preserve the proper channels for constructive communication and dialogue. We also call for the return of refugees, protection of minorities and protection of the cultural and religious heritage so that one can find a common area in which to preserve peace and stability throughout the Balkans.

We have noted the points made by the Secretary-General, and we support his recommendations for reconfiguration of UNMIK, which is very important. Steps should be taken swiftly to deal with the prevailing situation on the ground. That must be done in complete transparency, taking account of the United Nations position and making sure that there is a neutral status approach.

**Ms. Pierce** (United Kingdom): I thank the Secretary-General for the report. I also thank the Special Representative of the Secretary-General for his presence here today and for all the work that he and his team have done to bring about normalization in Kosovo. I would be grateful if he would convey our thanks to the members of his team. I also wish to join others in welcoming the Serbian Foreign Minister, Mr. Jeremić, back to the Chamber, and Foreign Minister Hyseni of Kosovo, who is here in his official capacity. It is very good also to see him back in the Chamber.

I would like to say at the outset that our view is that Kosovo independence is irreversible. It is also indivisible. I think one of the important things about

the proposals set out in the Secretary-General's report today is that they show that the risk of partition is receding. I think that is something that all members of the Council would wish to join me in applauding.

I deliberately asked to speak last — or near the last, saving yourself, Mr. President — because I wanted to hear what other Council members had to say. I am very pleased to hear such clear support from Council members for the Special Representative's intentions, for the reconfiguration that the Secretary-General has set out, and also the clear support for full deployment of the European Union Rule of Law Mission (EULEX) throughout Kosovo. That is very welcome news to those of us in the European Union who have Kosovo and Serbia as our neighbours. As a number of speakers have noted today, we hope to adopt the presidential statement later today.

In June the Secretary-General decided that, given the changed situation on the ground in Kosovo, it was right to reconfigure the international civilian presences. I think events have borne out that that decision was the right one. We are very pleased that the reconfiguration is now properly under way. We note that the Special Representative says that when EULEX fully deploys, UNMIK will be able to review its tasks. That is very welcome. The Rule of Law Mission is set to reach initial operating capacity in early December. With the Secretary-General's report envisaging an acceleration of reconfiguration in the coming period, it is very important, as a number of colleagues have made clear today, that the European Union and the United Nations continue to work closely together. EULEX will implement its mandate as set out in the relevant European Union Joint Action, while operating under the overall authority of the United Nations.

I wanted to say two particular things about the report. The first is factual and for the record. I just wanted to note that there is a factual error in paragraph 21 of the report. It refers to the executive authority of the Special Representative of the Secretary-General. That does not, in fact, derive from resolution 1244 (1999). It derives from the later, constitutional framework, which was not endorsed by the Security Council, and there is no provision in the new Kosovo constitution for the constitutional framework.

The other thing I wanted to say is that in paragraph 27 of the report the Secretary-General makes clear that the dialogue and consultations set out in the

report have been conducted with Belgrade and Pristina without prejudice to their positions on the status issue and in the spirit of the United Nations Charter. I think we should all bear that in mind as we move forward.

The United Nations is engaged with both Pristina and Belgrade on the so-called six points, the transitional arrangements in areas important for Kosovo's Serbian community. We also know that there have been differing views on those transitional arrangements and concerns, particularly in Pristina, as to their implications. We are very pleased to see that the Secretary-General's report acknowledges those real concerns and provides reassurance that the implementation of transitional arrangements will be on the basis of continuous consultation and coordination and that commitment to consultation and coordination constitutes a strong assurance to Pristina. At the same time, the commitment to the transitional arrangement also provides a strong assurance to Kosovo/Serb and other minority communities.

Mr. Jeremić gave us his interpretation of the report of the Special Representative of the Secretary-General and of the European Union Rule of Law Mission (EULEX) deployment. Mr. Hyseni gave us his. I want to be clear in the light of some views expressed in the Council: it is from the European Union (EU) that EULEX derives its mandate. It will implement its mandate as set out in the relevant European Union joint actions while operating under the overall authority of the United Nations. EULEX also constitutes the EU's largest ever civilian mission. Its work will be to the benefit to all of Kosovo's people and those United Nations Members who sit on the Peacebuilding Commission will note the value of integrating missions between justice and police sectors. And that is something that EULEX will do. So its work will be important in terms of lessons learned for the wider United Nations community.

EULEX will support multi-ethnicity, and we welcome Kosovo's cooperation with EULEX deployment throughout the whole of Kosovo. We also welcome the Government's assurances that it will continue to take into account the concerns of all of Kosovo's communities. Obviously, that is extremely important.

We welcome what Foreign Minister Hyseni said about cooperation with Serbia, and we welcome what Foreign Minister Jeremić said about welcoming

EULEX's deployment throughout Kosovo. As EULEX deployment continues, we look forward to that Mission having a constructive relationship with all the relevant actors, including Belgrade and Pristina, on the ground in Kosovo. We hope that Serbia will be able to join us in explaining the strong benefits of EULEX to Kosovo Serbs. Embedding the rule of law, ensuring an effective and multi-ethnic justice and police system across Kosovo, making sure corruption and organized crime are tackled: these should be measures on which we can all unite. And, with its increased outreach among Kosovo's communities, I am confident EULEX can be a huge success, one that will help the Republic of Kosovo and the region on the path towards the EU.

I had wanted only to look forward today in the spirit of the Secretary-General's report and the cooperation that we have had on this issue within the Coordination and Drafting Group. But I need to respond on the record to certain assertions that we have heard from Mr. Jeremić today. I am not going to rehearse how we got to where we are on Kosovo's sovereignty and independence; suffice it to say that it did not come about through light and transient causes. I am not going to go into the detail of what resolution 1244 (1999) does or does not say; we have debated that many times in this Chamber. If anyone wants to know the United Kingdom's positions on these issues, they can be found on the website of my Mission. But I would like to say that we do not share Mr. Jeremić's account of how Kosovo's independence came about. The Security Council did not take a view on Kosovo's status. It had no vote and it issued no statement. The best one could conclude is that it was neutral on the issue, though it is worth noting that a majority of its members have recognized Kosovo. So I do not think there can be any question of defiance of the Council.

I would also like to talk briefly about minority communities in Kosovo. All the minority communities except the Kosovo Serb community have supported where we are on status. I think that it is incumbent on all of us who worry about minority communities in Kosovo to uphold the rule of law in the north of Kosovo. We must do everything we can to ensure that the deplorable attacks that we witnessed on international officials of the UNMIK police and on the Kosovo Force in March of this year are never repeated and that the perpetrators are brought to justice.

The other point I would like to make concerns Mr. Jeremić's reference to General Assembly

resolution 63/3, requesting an advisory opinion from the International Court of Justice. It is not the case that the General Assembly approved Serbia's position on Kosovo's status in adopting the draft resolution submitted by Serbia requesting the advisory opinion. The General Assembly merely agreed that the International Court of Justice should be asked to opine on the question which Serbia had asked and this does not prejudice the answer to that question, on which the United Kingdom's views are well known and were set out in the document that the United Kingdom circulated at the time (A/63/461).

I would like to conclude on a positive note, on which both the Republic of Serbia and the Republic of Kosovo agree. The countries of the Western Balkans all belong in the European Union and we, the United Kingdom, and all our partners in the EU and NATO, are committed to helping them join on the basis of conditions that the EU has laid down. But those who cite EU treaties and aspire to EU futures must follow EU values. And these values include the strongest possible commitment to building peaceful, prosperous, tolerant and multi-ethnic societies.

**The President** (*spoke in Spanish*): Mr. Hyseni has asked for the floor to make a further statement, and I call on him now.

**Mr. Hyseni:** I would like to give a very short reaction to express my deep satisfaction with the very clear support the Council gives to the deployment of the European Union Rule of Law Mission (EULEX) throughout Kosovo. I wish also to take this opportunity to extend our thanks to Member States for their contributions to the EULEX deployment and I want once again to ensure all the nations that will participate in EULEX that it will enjoy the full support and cooperation of the institutions and people of Kosovo.

In conclusion, I should like, once again, to emphasize clearly that it is critical that EULEX deploy throughout Kosovo and that all of Kosovo's citizens benefit from the EULEX presence in our country. We appreciate the mandate assigned to EULEX and we have definitely enshrined the EULEX presence in our constitution and all of our post-independence documents, including in more than 40 pieces of legislation passed in accordance with the Comprehensive Status Settlement Proposal of Nobel Peace Prize Laureate Martti Ahtisaari.

**The President** (*spoke in Spanish*): The Minister for Foreign Affairs of Serbia has asked for the floor to make a further statement, and I call on him now.

**Mr. Jeremić** (Serbia): I want to thank all the participants in today's discussion for their valuable contributions to our work. I think we are now getting close to a point where we can unite behind the Secretary-General and the report that he produced. I think it would be very important for our work today to conclude with the entire Council standing behind the Secretary-General's report with the strongest possible language. I invite the Council to support the report of the Secretary-General in the strongest possible language. I would like to see this report being implemented. The stronger the language used by the Council in endorsing and supporting the work of the Secretary-General that involves the reconfiguration proposal as well as the deployment of the European Union Law and Order Mission, in conformity with resolution 1244 (1999) and the status neutrality that is laid out in the report of the Secretary-General — the stronger this language is, the better the chance we will have to implement this important work that we need to do together.

Many have said during this debate that 52 nations have recognized Kosovo, but no one mentioned the number 140, which is the number of countries that have not recognized the unilateral, illegal and illegitimate declaration of independence of our southern province.

I think it is very important that many speakers mentioned the General Assembly and its work to engage the institution of indisputable legitimacy — the International Court of Justice. I regret the fact that the representatives of Kosovo Albanians regret the use of international law and institutions of international law. They have clearly expressed their regret that Serbia has decided to pursue that peaceful and legal path.

I must take note of the fact that in recent months many people have started listing the great democratic achievements of the so-called Republic of Kosovo, noting that it has printed passports and passed a certain number of laws. But this is the third time that I have talked in the Council about a church that was burned and paved over. I will keep repeating this: I do not think that a multi-ethnic, peaceful and democratic society can afford to burn and pave over churches. The number of illegally seized properties has not decreased

at all. Solving such problems, I think, is what really makes a society democratic, peaceful and multi-ethnic.

By the way, I would say that Mr. Zannier is the only totally and technically impartial person. I wish to thank him for his great effort to make this whole process possible. He has come from Pristina and his observation — correct me if I am wrong — is that Kosovo today is a deeply segregated society. In my opinion, "deeply segregated society" is the total opposite of "multi-ethnic". I would therefore like for us to reflect on the observation of Mr. Zannier, who has just come from Kosovo.

Having said all that, I really hope that this is going to be a very important step in our common effort, that we are going to move the process forward and that the reconfiguration is going to go forward according to the recommendation of the Secretary-General. It is important that we stay loyal to the decisions made in this Chamber and that we stand behind the Secretary-General's efforts. Serbia is going to continue to be a constructive participant in that. Serbia has demonstrated its constructiveness in that process. We intend to be a constructive participant in the future.

I would like to close by saying that it is indeed the European future of the Western Balkans that all countries Members of the United Nations in the Western Balkans should look forward to.

**The President** (*spoke in Spanish*): A delegation has asked me to suspend the meeting for 10 minutes. Unless I hear any objection, I shall therefore suspend the meeting for 10 minutes.

*The meeting was suspended at 5.10 p.m. and resumed at 5.20 p.m.*

**The President** (*spoke in Spanish*): Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council.

"The Security Council welcomes the Secretary-General's report on the United Nations Interim Administration Mission in Kosovo (S/2008/692) of 24 November 2008 and, taking into account the positions of Belgrade and Pristina on the report which were reflected in their respective statements, welcomes their intentions to cooperate with the international community.

"The Security Council welcomes the cooperation between the United Nations and other international actors within the framework of its resolution 1244 (1999), and also welcomes the continuing efforts of the European Union to advance the European perspective of the whole of the western Balkans, thereby making a decisive contribution to regional stability and prosperity."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2008/44.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

*The meeting rose at 5.25 p.m.*